UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,573	10/09/2001	Christopher J. Stone	018926-008600US	6032

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ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/973,573	STONE, CHRISTOPHER J.
		Examiner	Art Unit	
		Clyde H. Jones III	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/6/2006*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-21* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-21 have been considered but are

moot in view of the new ground(s) of rejection.

In response to applicant's arguments on pages 9-11 of the 1/6/2006 amendment,

the newly added limitations are met by the Das, Arsenault, and Croy references as

described below.

Claim Objections

2.   Claim 1 is objected to because of the following informalities: On claim 11, line 4

the phrase "comprising programs a subscribed to by a user" should be changed to --

comprising programs subscribed to by a user--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for
> patent, published under section 122(b), by another filed in the United States before the invention by
> the applicant for patent or (2) a patent granted on an application for patent by another filed in the
> United States before the invention by the applicant for patent, except that an international application
> filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of
> an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 15-18, 20, and 21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Das et al. (US 6,493,688 B1).

In regards to claim 1 Das discloses –

A method of providing program information (col. 3, lines 43-59), said method

comprising:

obtaining a list of programs offered for viewing (col. 3, lines 43-46; in which Das'

EPG reads on a "list of programs offered for viewing");

determining a subset of the list of programs comprising programs [a] subscribed

(Examiner interprets subscribed to mean favored or consent) to by a user , the subset

excluding programs not subscribed to by the user (col. 5, lines 4-11 & lines 23-27 &

lines 38-39; col. 5, lines 57-64 & lines 58-59).

compiling at a content provider device (TV-set, Fig. 1 or STB) a second list of

programs comprising the subset (col. 5, lines 4-59; in which the profile module, EPG

module and ZAP-control module provide a "zap-list" which is also filtered using a

selected profile indicating programs subscribed/favored by the user, creating a

shortened/concise second list excluding unfavored channels/programs; and col. 3, lines

10-15; in which the TV-set receives signals/program content from the cable network,

e.g., a head-end provides television signals/program content to the TV-sets on the cable

network); and

communicating the second list to a remote controller (col. 5, line 67- col. 6, line 5;

in which the filtered EPG list, i.e., the second list is sent to a remote control).

In regards to claim 2, Das discloses compiling the second list at a set-top box

(col. 5, line 67- col. 6, line 5; in which the EPG list is filtered at the STB prior to sending

the filtered list, i.e., the second list to the remote control).

In regards to claim 15, Das discloses—

An apparatus for providing program information (col. 3, lines 10-51), said

apparatus comprising:

a processor (CPU 8 – Fig. 1);

a memory coupled to the processor (ROM 14 or RAM 13);

a display coupled to said processor (screen 6);

code operable to obtain a list of programs offered for viewing (col. 3, lines 19-28;

in which Das' EPG reads on a "list of programs offered for viewing");

code operable to store a plurality of user profiles (col. 3, lines 59-62);

code operable to select one of the plurality of user profiles (col. 3, line 66 – col.4,

line 3);

code operable to utilize the selected user profile to identify a subset of the list of

programs comprising programs subscribed (Examiner interprets subscribed to mean

favored or consent) to by a user associated with the selected user profile, the subset

excluding programs not subscribed to by the user (col. 5, lines 4-11 & lines 23-27 &

lines 38-39; col. 5, lines 57-64 & lines 58-59);

code operable to compile a second list of programs comprising the subset (col.5,

lines 4-26 & lines 57-59; in which the profile module, EPG module and ZAP-control

module provide a "zap-list" which is also filtered using a selected profile indicating

programs subscribed/favored by the user, creating a shortened/concise second list

excluding unfavored channels/programs); and

code operable to display the second list on said display (col. 5, lines 4-26 and

lines 57-59).

In regards to claim 16, Das discloses—

code operable to allow the user to remove a program (col. 5, lines 8-25; in which

the filtered/second list generated using a selected user profile does not include

programs on channels eliminated by the user's ratings/settings).

In regards to claim 17, Das discloses—

code operable to select at least one of the plurality of user profiles (col. 3, line 66

– col.4, line 3).

In regards to claim 18, Das discloses—

code operable to utilize the profile to compile the second list (col.5, lines 4-26 &

lines 57-59; in which the profile module, EPG module and ZAP-control module provide a

"zap-list" which is filtered using a selected profile, creating a shortened/concise second

list).

In regards to claim 20, Das discloses—

code operable to compile the second list without programs previously removed

by said user (col. 5, lines 8-25; in which the filtered/second list generated using a

selected user profile does not include programs on channels eliminated by the user's

ratings/settings; profiles are saved/updated so that previous profile settings remain in

effect for the selected profile).

In regards to claim 21, Das discloses—

code operable to compile the second list without programs not subscribed to by

the user (col. 5, lines 38-39 & lines 4-10; in which the EPG list only programs for which

the user subscribes, i.e., authorizes the profile, EPG and zap control modules to list

through user ratings/settings).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Das et al. (US 6,493,688 B1) in view of Croy et al. (US 6,509,908 B1).

Regarding claim 3, Das discloses the transmission of protected personal information (col. 6, lines 32-34; col. 4, lines 11-15). However, Das fails to disclose the limitation "determining said list from cryptographic information for said list of programs".

In an analogous art Croy discloses encrypted (cryptographic) information is used to determine EPG information, i.e., menus or lists, and provide it to a STB (Fig.1) or Remote Control (Fig. 2 & 3A) for more secure communication (col. 5, line 61 - col. 6, line 29; col. 3, lines 17-20; col. 7, lines 43-47; in which lists are received by the base station from a content provider such as a head-end or Internet server).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Das to include the further limitation, "determining said list from cryptographic information for said list of programs", as taught by Croy for more secure communication and customer identification (Croy- col. 6, 27-37).

Regarding claim 19, Das discloses code operable to password-protect profiles and exclude programs rated below a threshold (col. 4, lines 13-15; col. 5, lines 38-39). However Das fails to disclose the further limitation, "utilize parental control settings in compiling said list".

In an analogous art Croy discloses use of profiles and password-protected lists so children can not view certain channels or programs above or below a threshold, e.g., parents set a password-protected profile for their children so they can not view gratuitous programs (col. 7, lines 1-8; col. 8 line 66 – col. 9, line 1).

It would be obvious to one skilled in the art at the time the invention was made to

modify the system of Das to include the further limitation, "utilize parental control

settings in compiling said list" as taught by Croy for preventing children from watching

gratuitous or unsuitable (exceeding a threshold) material (col. 7, lines 1-5).

5.   Claims 4-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Das et al. (US 6,493,688 B1) in view of Arsenault (US 6,980,529 B1).

In regards to claim 4, Das discloses –

A method of providing program information (col. 3, lines 43-59), said method

comprising:

obtaining a list of programs offered for viewing by a user (col. 3, lines 43-59; in

which Das' EPG reads on a "list of programs offered for viewing by a user");

communicating said list of programs to a remote controller (col. 5, lines 60-65);

determining a subset of the list of programs comprising programs accessible to

the user (col. 5, lines 57-64; col. 6, lines 15-21; col. 5, lines 20-27; in which the user's

profile filters programs the user watches/accesses for display in the EPG).

compiling at said remote controller a second list of comprising the subset (col. 5,

lines 57-64; col. 6, lines 15-37; in which Das teaches the ZAP-control module, EPG

module and profile module are "entirely" located in the remote control, i.e., the remote

control is operable to filter a received EPG list using a profile to create a "zap-list", i.e.,

create a second list, which the user browses on the remote control display and the

remote control is arranged so that only channels identified by the profile are listed);

displaying said second list of programs on said remote controller (col. 6, lines 8-

12; in which profile filtered EPG data, i.e., the second list is viewed on the remote

control's display).

Das further discloses a zap circle of receivable/ordered channels (col. 5, lines 6-

9), and that additional components are needed to decode certain content, e.g., some

programs/services may not be accessed because the STB does not have the needed

components (col. 5, lines 49-56). Das further teaches the advantage of the invention is

providing a EPG on the remote control when the TV/STB is incapable of providing

certain EPG components (col. 6, lines 25-28) and further that the EPG/profile can be

made more precise by using more than one program attribute value to filter programs

from the EPG (col. 6, lines 49-51).

However, Das fails to specifically disclose the subset excluding programs not

accessible to the user.

In an analogous art Arsenault teaches the subset excluding programs not

accessible (available) to the user (col. 5, lines 49-61) to avoid frustrating the user.

It would have been obvious to one of ordinary skill in the art at the time of the

Applicant's invention to modify the system of Das to include the subset excluding

programs not accessible to the user as taught by Arsenault for the added advantages of

enhancing user comfort and increased efficiency of memory (Arsenault – col. 5, lines

58-60; col. 8, lines 26-29).

In regards to claim 5, Das discloses allowing the user to remove channels so as

not to appear on the second list of programs (col. 5, lines 20-26; in which Das discloses

a user can select a profile in which a whole channel is omitted/removed, thereby

removing them from the filtered EPG list, i.e., the second list of programs).

In regards to claim 6, Das discloses selecting a profile of the user (col. 4, lines

11-13; col. 5, line 20).

In regards to claim 7, Das discloses utilizing said selected profile for the

compiling of the second list of programs (col. 5, lines 20-26).

In regards to claim 8, Das discloses—

determining whether a control has been set for the user corresponding to at least

one of the programs (col. 4, lines 16-50; in which the profile module distinguishes

programs by determining whether a positive rating/setting, which controls the display of

channels/programs, has been assigned to a field associated with a program);

and if the control has been set for the user, removing the control from the second

list (col. 4, lines 45-46; in which Das discloses, controls/settings previously set are

overridden/removed by subsequent changes to the earlier settings, e.g., the user's

preference for a program changes so the user removes/negative rates a previously

positive (acceptable) program).

In regards to claim 10, Das discloses—

compiling the second list so as not to comprise programs that had been

eliminated by the user (col. 5, lines 8-25; in which the filtered/second list generated

using a selected user profile does not include programs on channels eliminated by the

user's ratings/settings; profiles are saved/updated so that previous profile settings

remain in effect for the selected profile).

In regards to claim 11, Das discloses—

compiling said list so as not to comprise programs to which the user does not

subscribe (col. 5, lines 38-39 & lines 4-10; in which the EPG list only programs for which

the user subscribes, i.e., authorizes the profile, EPG and zap control modules to list

through user ratings/settings).

In regards to claim 12, Das discloses—

A method of providing program information (col. 3, lines 43-59), the method

comprising:

obtaining a list of programs offered for viewing (col. 3, lines 43-46; in which Das'

EPG reads on a "list of programs offered for viewing");

storing a plurality of user profiles (col.3, lines 59-67);

selecting at least one of the plurality of user profiles (col. 4, lines 1-13);

utilizing the selected user profile to identify a subset of the list of programs

comprising programs accessible to a user associated with the selected user profile (col.

5, lines 57-64; col. 6, lines 15-21; col. 5, lines 20-27; in which the user's profile filters

programs the user watches/accesses for display in the EPG);

compiling a second list of programs comprising the subset (col. 5, lines 4-26 &

lines 52-59; in which the profile module and the EPG module filter received program

information to provide a shorter/concise "zap list" which only channels identified by the

profile are listed);

displaying the second list on a remote controller (col. 6, lines 6-13).

Das further discloses a zap circle of receivable/ordered channels (col. 5, lines 6-

9), and that additional components are needed to decode certain content, e.g., some

programs/services may not be accessed because the STB does not have the needed

components (col. 5, lines 49-56). Das further teaches the EPG/profile can be made

more precise by using more than one program attribute value to filter programs from the

EPG (col. 6, lines 49-51).

However, Das fails to specifically disclose the subset excluding programs not

accessible to the user.

In an analogous art Arsenault teaches the subset excluding programs not accessible (available) to the user (col. 5, lines 49-61) to avoid frustrating the user.

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Das to include the subset excluding programs not accessible to the user as taught by Arsenault for the added advantages of enhancing user comfort and increased efficiency of memory (Arsenault – col. 5, lines 58-60; col. 8, lines 26-29).

In regards to claim 13, Das discloses—

compiling the second list at a set-top box (col. 5, line 67- col. 6, line 5; in which the EPG list is filtered at the STB prior to sending the filtered list, i.e., the second list to the remote control);

and communicating the second list to the remote controller (col. 5, line 67- col. 6, line 5; in which the filtered EPG list, i.e., the second list is sent to the remote control).

In regards to claim 14, Das discloses—

compiling the second list with the remote controller (col. 5,lines 57-64; col. 6, lines 15-37; in which Das teaches the ZAP-control module, EPG module and profile module are "entirely" located in the remote control to control TVs and STBs that do not support EPGs or profiles, e.g., the remote control is operable to filter a received EPG list using a profile to create a "zap-list", i.e., a second list, which the user browses on the

remote control display and the remote control is arranged so that only channels with high rated programs, i.e., programs the viewer likes, can be selected).

3.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Das et al. (US 6,493,688 B1) in view of Arsenault (US 6,980,529 B1) as applied to claim 8 above, and further in view of Croy et al. (US 6,509,908 B1).

Regarding claim 9, Das in view of Arsenault teach password-protected profiles and excluding programs rated below a threshold (Das -col. 4, lines 13-15; col. 5, lines 38-39).

However Das fails to disclose the further limitation, "comprises a parental control".

In an analogous art Croy discloses use of profiles and password-protected lists so children can not view certain channels or programs above or below a threshold, e.g., parents set a password-protected profile for their children so they can not view gratuitous programs (col. 7, lines 1-5; col. 8 line 66 – col. 9, line 1).
It would be obvious to one skilled in the art at the time of the Applicant's invention to modify the system of Das in view of Arsenault to include the further limitation, "comprises a parental control" as taught by Croy for preventing children from watching gratuitous or unsuitable (exceeding a threshold) material (Croy - col. 7, lines 1-5).

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-

5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

CJ

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